



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/026,964 | 12/21/2001 | Mark A. Baloga | 076507-0421 | 7993 |

7590

12/05/2002

Scott D. Anderson
FOLEY & LARDNER
Firstar Center
777 East Wisconsin Avenue
Milwaukee, WI 53202-5367

EXAMINER

MCDERMOTT, KEVIN

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,964

Applicant(s)

BALOGA ET AL.

Examiner

McDermott, Kevin

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 57-67 and 69-76 is/are rejected.
- 7) ☒ Claim(s) 68 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

The I.D.S. filed 2-18-02 cites two references, U.S. Patent No. 5,537,290 and a publication entitled "BlueSpace". The "BlueSpace" reference has not been considered because the pages are stuck together so that Examiner cannot adequately review the document.

The I.D.S. filed 5/24/02 does not provide copies of the references. Examiner considered all the U.S. patent references because they are readily available. However, the foreign references have not been considered because they are not readily available. This application claims priority from copending U.S. Application 09/183,023. Examiner attempted to obtain a copy of U.S. Application 09/183,023 hoping the foreign references would also be cited in that case's I.D.S. However, Examiner was unable to obtain the file. Upon submission Applicant's response, Examiner will again attempt to obtain file 09/183,023 to review the foreign references. Applicant is also invited to provide copies of the foreign references to ensure they are considered.

Claim Objections

Claim 75 is objected to because of the following informalities:

- a. It appears that "is" should be inserted between "beam" and "positioned".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 57-60, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Hellwig (U.S. Patent No. 6,076,317).

Regarding claim 57, Hellwig discloses in figures 1-3 and in column 1, line 1 to column 5, line 54, a frame based office panel in combination with bridge arrangements for defining a work station. Column 2, line 65 to column 3, line 16 discloses a series of office panels 4 connected in an end to end manner forming a spline 5 to which bridge arrangements 6 or other office panels can extend in a perpendicular or angled manner. The bridge arrangements 6 extend at an angle from the spline 5 and define a series of work stations. The bridge arrangements 6 can be connected to an office panel 4 at any point along the length of the office panel. Column 3, lines 39-41 disclose the bridge arrangement 6 including an extension or floor engaging column member 50 at the free

Art Unit: 3635

end of the rectangular partition 30. Column 4, line 53 to column 5, line 12, discloses a wiring trough 100 secured to the lower edge of the bridge member 6 for receiving the communication or electrical wiring generally indicated as 104 in Fig. 5. This facilitates a normal electrical connection with a receptacle of the office panel 6 either interior to the office panel, or along an appropriate surface thereof. The wiring for the equipment supported on work surface 9 is placed in the casual wiring trough 100 attached to a bridge 6. The spline 5 of office panels 4 is interpreted as the claimed furniture, the bridge arrangement 6 is interpreted as the claimed utility beam movably attached to the office panels 4, the floor engaging column member 50 is interpreted as the claimed utility access extension, and the cavities formed by the members 60, 62 are interpreted as utility delivery zones. Because the trough 100 extends for the length of the bridge 6 from the panels 4 to the member 50 it is configured to supply utilities to the utility delivery zone.

Regarding claim 58, because Hellwig discloses the claimed structure Examiner considers Hellwig inherently capable of performing the same functions and being used in the same manner as the claimed invention.

Regarding claim 59, the bridge arrangement 6 of Hellwig is associated with work stations located on either side of the bridge 6.

Regarding claim 60, because Hellwig discloses the claimed structure Examiner considers Hellwig inherently capable of performing the same functions and being used in the same manner as the claimed invention.

Regarding claim 69, the member 50 is located at a lateral distance outboard of the spline 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Verbeek and further in view of Borgerson.

Regarding claims 61-66, Hellwig's disclosure is discussed above. However, Helwig does not disclose the bridge 6 being configured for sliding movement along the spline 5 and the member 50 configured for rolling movement.

Verbeek discloses in figures 1-6 and in column 2, lines 46-57, a privacy screen 10 slidably connected to a panel 4. Verbeek also discloses a cover 72 having outer slide 60 fixed thereto. The cover 72 and outer slide 60 are considered to be a horizontal rail mounted on the panel 5 and the other slides (i.e. the inner slide 56, and the intermediate slide 58) engage the outer slide 60. The inter-related slides 56, 58, 60 are interpreted as constituting a track.

Borgerson discloses in figures 1 and 2, a cabinet 10 supported on a track horizontally mounted on a wall 12 and the cabinet 10 having casters 29, 30. The casters 29, 30 are vertically adjustable as disclosed in column 3, lines 40-42.

Art Unit: 3635

Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement 6 of Hellwig so that it is configured for sliding movement along the spline 5 and to modify the member 50 to have vertically adjustable casters.

One of ordinary skill would modify the bridge arrangement 6 to slide along the spline 5 to provide a simple method to move the bridge arrangement along the spline 5.

One of ordinary skill would modify the member 50 to have vertically adjustable casters to easily roll the member 50 on a floor. The casters would then be vertically shortened and the height adjustable glides 56 could be vertically adjusted to support the member 50.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317).

Hellwig's disclosure is discussed above. Additionally, Hellwig discloses the bridge arrangement 6 and the member 50 forming a T-shape.

However, Hellwig does not specifically disclose the bridge 6 and the member 50 connected to form an L-shape.

It is well-known to one of ordinary skill in the art to connect panels with each other to form various configurations.

Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to form the bridge 6 and member 50 in the form of an L-shape, as a matter of design choice.

One of ordinary skill in the art would be motivated to modify Hellwig to make a bridge arrangement better suited to constructing exterior corners of office workstations.

Claims 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Hellwig (U.S. Patent No. 5,241,796).

The disclosure of Hellwig (U.S. Patent No. 6,076,317) is discussed above. However, Hellwig (U.S. Patent No. 6,076,317) does not disclose mounting a light fixture on the bridge 6.

Hellwig (U.S. Patent No. 5,241,796) discloses in figure 1 and in column 4, lines 4-7, mounting a light on a panel, and the light having a shade. The light is interpreted as a light fixture and the shade as a small canopy.

Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to mount a light having a shade on the bridge 6 of Hellwig (U.S. Patent No. 6,076,317).

Regarding claim 75, Hellwig (U.S. Patent No. 6,076,317) discloses the bridge 6 being positioned at a higher elevation than the bottom of the furniture/spline 5.

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Hellwig (U.S. Patent No. 5,241,796) and further in view of Verbeek.

The disclosures of both Hellwig patents and Verbeek are discussed above. Therefore, Examiner considers it obvious to one of ordinary skill in the art to modify Hellwig (U.S. Patent No. 6,076,317) to include a predefined path defined by a rail to selectively deliver utilities to at least one portion of a work area.

Allowable Subject Matter

Claim 68 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

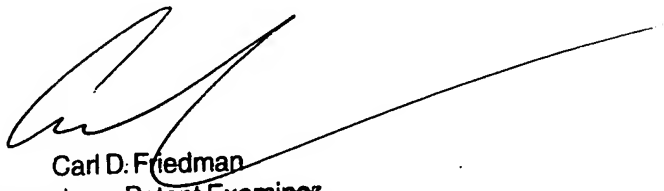
The prior art does not disclose, and it does not appear obvious to modify the prior art to disclose, a utility distribution system having the structural limitations of claim 57 and also having a retractable partition.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

KM 11/27/02


Carl D. Friedman
Supervisory Patent Examiner
Group 3600